

Chapter 8: Comments and Responses for the Draft EIS

8.1 Introduction

This chapter presents the comments received on the Draft EIS, both oral and written, from members of the public, government agencies, and nongovernment organizations during the public comment period. The public comment period was from November 15, 2007, to January 7, 2008. This chapter also includes the project team's responses to all comments received on the Draft EIS.

Members of the public and government agencies who commented on the Draft EIS are listed in Section 8.2 along with the identification numbers assigned to their comments. Comment numbers that begin with **P** are public comments; comment numbers that begin with **A** are agency comments.

Section 8.3 on page 8-2 presents a list of topics that were raised by the commenters and the pages in this chapter where those topics are addressed. Section 8.4 on page 8-3 presents the comments received from the public and the responses from the project team. Section 8.5 on page 8-15 presents the comments received from government agencies and the responses from the project team.



8.2 Commenters and Comment Numbers

Commenter and Affiliation	Comment Number
Gary Penrod	P-1
Jeanne M. LaRue	P-2
Bernard Smith	P-3
Patti Preston	P-4
Brad Garr	P-5
Craig Arrington	P-6
Ron King	P-7
Donald Campbell	P-8
Kim Olson	P-9
Susan Boyce	P-10
Dennis Richardson	P-11
David Gremillion	P-12
John Harja, State of Utah, Office of the Governor, Resource Development Coordinating Committee	A-1
John Urbanic, U.S. Army Corps of Engineers	A-2
Christopher Harm, National Oceanic and Atmospheric Administration	A-3
Larry Svoboda, U.S. Environmental Protection Agency	A-4
Willie Taylor, U.S. Department of the Interior, Office of Environmental Policy and Compliance	A-5

8.3 Topic List

Use the topic list below to find the pages in this chapter on which each topic is addressed.

air quality, 8-15, 8-18, 8-20, 8-21, 8-22

alternatives considered, 8-11, 8-13

construction impacts, 8-9

energy efficiency, 8-26

geodetic control monuments, 8-17

greenhouse gases, 8-25

land use, 8-24

pedestrian and bicyclist considerations, 8-7, 8-9

project schedule, 8-3, 8-12

property acquisition, 8-5, 8-9, 8-11, 8-13

public facilities, 8-22, 8-27

roadway improvements, 8-3, 8-6, 8-8

Section 4(f)/6(f) properties, 8-27, 8-28

traffic analysis, 8-23

water resources, 8-4, 8-23

wetlands, 8-16



8.4 Public Comments and Responses

Comment P-1

Response



S.R. 108 Comment Card

Name: Gary Penrod
Address: 4980 S. 3500 W
City: Roy State: UT ZIP: 84067
Phone: 828 4265
Email: penrod-gsj@yahoo.com

Mail comments to:
SR-108 Project Team
The Langdon Group
2875 S. Decker Lake Drive
Suite 575
Salt Lake City, UT 84119
dchristiansen@langdongroupinc.com

Project Comments (please use the back if necessary):

- ① Schedule of 4(ors) Lanes 2000 W - 3500 W
& Midland?
- ② - 5600 S in Roy to 4 Lanes from Freeway
to 3500 W, when?
- ③ - Restriping 2000/3500 W R/L turning Lanes

P-1.1

UDOT anticipates that final design for the S.R. 108 project would begin in 2009. Based on available funding, construction of the project would begin in 2010, would begin at the southern end of S.R. 108, and would continue in segments as funding becomes available.

5600 South in Roy is not within the scope of this project. At this time, UDOT does not know when 5600 South in Roy will be widened.

Most intersections along S.R. 108 will be improved with dedicated right-turn and left-turn lanes.

P-1.1 ►



Comment P-2

Response



S.R. 108 Comment Card

Name: Janice M. DeRue
 Address: 446 S. 5000 W
 City: Syracuse State: Ut ZIP: 84075
 Phone: 801-774-8647
 Email: _____

Mail comments to:
 SR-108 Project Team
 The Langdon Group
 2875 S. Decker Lake Drive
 Suite 575
 Salt Lake City, UT 84119
 dchristiansen@langdongroupinc.com

Project Comments (please use the back if necessary):

What happens to the irrigation ditch?
Is it moved closer to the homes?
If so what about flooding to basements?

P-2.1

Irrigation ditches would be considered during the design phase of the project and would likely be included within the project right-of-way. Any irrigation ditches that require relocation would be designed according to UDOT's standard specifications to ensure safety and to prevent flooding that could affect nearby homes.

P-2.1 ►

**Comment P-3****Response****S.R. 108 Comment Card**

Name: DEANARD SMITH
Address: 339 S 2000 W
City: SPRINGVILLE State: UT ZIP: 84025
Phone: 776-9026
Email: _____

Mail comments to:
SR-108 Project Team
The Langdon Group
2875 S. Decker Lake Drive
Suite 575
Salt Lake City, UT 84119
dchristiansen@langdongroupinc.com

Project Comments (please use the back if necessary):

The whole property is available

P-3.1

Your comment was forwarded to the UDOT right-of-way acquisition official who is working on the S.R. 108 project. A step-by-step process must be followed when land is acquired for a roadway project. Property acquisitions, both partial and total, will be made according to federal guidelines and UDOT policies that include fair compensation measures for property owners. UDOT will comply with Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.


Based on the available funding, property acquisition for the project could begin in late 2009. Once the property acquisition process starts, each property owner will be contacted by a UDOT representative. The type of acquisition (partial or total) and the compensation provided for that property are determined on a case-by-case basis in negotiation with the property owner.

P-3.1 ►



Comment P-4

Response



S.R. 108 Comment Card

Name: Patti Preston

Address: 572 So. 2000 West

City: Syracuse State: Ut ZIP: 84095

Phone: _____

Email: p.preston@dsdmainline.net

Project Comments (please use the back if necessary):

I would prefer some other solution
to the raise center divider between
700 So & 300 North Syracuse

Mail comments to:
 SR-108 Project Team
 The Langdon Group
 2875 S. Decker Lake Drive
 Suite 575
 Salt Lake City, UT 84119
 dchristiansen@langdongroupinc.com

P-4.1

Medians are being considered in the areas mentioned in the comment. Center medians would be installed in high-traffic areas such as near large shopping, schools, and commercial centers. UDOT recognizes that raised medians are not necessary for the entire corridor and that in some cases they could decrease access to local streets. To determine where center medians should be constructed, UDOT would analyze traffic flow at access points along the corridor during the final design process to ensure safe access onto and off of S.R. 108 while maintaining access to residences and local streets. For the EIS process, raised center medians were assumed near school zones and high-traffic commercial areas.

P-4.1 ►



Comment P-5

Response

P-5.1 ▶

VIA E-MAIL: BICYCLE LANE REQUIRED – S.R. 108 is a popular bicycle route for bicycle commuters and recreational riders. Currently this road has very little shoulder and is very dangerous to bicyclists. A dedicated bicycle lane, with markings, must be incorporated into the design and construction.

Brad Garr
1044 East 5100 South
Ogden, UT 84403
475-0913

P-5.1

The Preferred Alternative includes a 4-foot Class II bicycle lane, consistent with the Wasatch Front Regional Council's recommendation for a bicycle facility on S.R. 108. A Class II bicycle facility is a bicycle-only lane on each side of the road for one-way bicycle travel.

**Comment P-6****Response****P-6.1 ▶**

VIA E-MAIL: All of the folks along our street from 700 South to West Point are very concerned about having any medians in the center lane. This would give us no access to our property when coming from the south. We would like to make sure that the State is aware of our strong objection to any such raised medians.

Craig Arrington
506 South 2000 West
Syracuse

P-6.1

Medians are being considered in the areas mentioned in the comment. Center medians would be installed in high-traffic areas such as near large shopping, schools, and commercial centers. UDOT recognizes that raised medians are not necessary for the entire corridor and that in some cases they could decrease access to local streets. To determine where center medians should be constructed, UDOT would analyze traffic flow at access points along the corridor during the final design process to ensure safe access onto and off of S.R. 108 while maintaining access to residences and local streets. For the EIS process, raised center medians were assumed near school zones and high-traffic commercial areas.

**Comment P-7****Response**

VIA E-MAIL: I live at 5137 S 3500 W and would like to give my input to the project.

I have lived at this address for over 29 years and knew that they would expand the highway to four lanes. The subdivision was built based on having two lanes of traffic, a median, parking, sidewalk and curb was all in place. The worst I ever expected was to lose is the curb and gutter and sidewalk. When we had built the subdivision there was already space from the middle of the road to our curb and gutter to provide the two lanes and parking. I question the need for the biking lane in addition to the parking on both sides?

If I have a vote I would vote balanced without the biking and parking lanes. But if the expansion is to the west I would rather be bought out and move. I have a full half acre and have plenty of land to keep from having to get part of my neighbor's land to the west of me. If I have to rebuild a home and move I prefer to only have to move once. I have accumulated tons of things I just don't want to move. I have shelving and storage in my basement and garage that took 29 years to build and accumulate and I would rather not have to move. But if I am to move I can't see moving somewhere while my house is built on the same lot 30 feet further to the west and then moving back after it is complete.

I have a lot of questions:

How much will I get to rebuild another home?

Will I get enough money to move and replace my home with the same square footage of living and storage place and be compensated for having to move?

When can I sell my home to the State?

If they tear down my next door neighbor's home can I have my home built on the west side of my lot before my home is demolished so that I only have to move once?

How long will the construction take in front of my home?

Should I plan on living somewhere else during the construction?

Can I sell my home and move in time to avoid having to be inconvenienced by all of the construction?

I appreciate your response to my questions and look forward to hearing from you.

Thanks,

Ron King, CPA
Chief Information Officer
Weber Human Services

P-7.1

Because of the many schools and other pedestrian uses along S.R. 108, it was essential that bicyclists and pedestrians be considered as part of project planning. Chapter 1 identifies a number of roadway deficiencies, including insufficient shoulders and sidewalks and lack of transit and bicycle facilities. One of the purposes of this project is to enhance the opportunities for multi-modal use of S.R. 108 by providing improved bicycle, pedestrian and transit facilities. Eliminating the bicycle lane would not be consistent with the project's purpose and the safety needs of the project area. The project does not include on-street parking areas but does provide enough space for vehicles to pull out of the main travel lane in an emergency or while making right-hand turns.

P-7.2 – P-7.9

A step-by-step process must be followed when land is acquired for a roadway project. Property acquisitions, both partial and total, will be made according to federal guidelines and UDOT policies that include fair compensation measures for property owners. UDOT will comply with Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Based on the available funding, property acquisition for the project could begin in late 2009. Once the property acquisition process starts, each property owner will be contacted by a UDOT representative. The type of acquisition (partial or total) and the compensation provided for that property are determined on a case-by-case basis in negotiation with the property owner. Because the final design for the project and detailed property surveys determining the boundaries of UDOT's right-of-way and private properties have not been completed, the actual property acquisitions can't be determined at this time.

The duration of construction in any one specific area would depend on many factors, such as the number of relocations, utility requirements, and soil and existing pavement conditions. UDOT works with the construction contractor to minimize the impact of construction on the public and would provide a way for the public to contact UDOT to obtain the latest construction schedule.



Comments P-8 through P-12

Response

Public Hearing Open House 12/5/2007

Page 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

S.R. 108
ENVIRONMENTAL IMPACT STATEMENT
1700 SOUTH (ANTELOPE DRIVE) TO 1900 WEST

PUBLIC HEARING OPEN HOUSE

HELD AT: Syracuse Elementary School
1503 South 2000 West
Syracuse, Utah
DATE: December 5, 2007
TIME: 5:00 to 7:00 p.m.
REPORTED BY: Kerry J. Sorensen, CSR/RPR

(No responses)

**Comments P-8 through P-12 (continued)****Response**

Public Hearing Open House 12/5/2007

Page 2

1 Public Hearing Open House
2 December 5, 2007
3 PUBLIC COMMENTS
4 MR. DONALD CAMPBELL: I'm concerned
5 about the planning process for State Road 108 and
6 the issues of West Point zoning regulations that
7 have not been addressed in any form in the
8 Environmental Impact Study. West Point zoning
9 regulations state that residents can be no closer
10 than 40 feet to a state highway. The planning
11 process for State Road 108 starts out at 15 feet.
12 I would like to know why West Point zoning
13 regulations were disregarded and were not even
14 addressed to my city. I sit on the Board of
15 Adjustments so I think I would be aware of any
16 attempt by the state to address that particular
17 problem with their zoning regulations. I've
18 mentioned it to every representative that would
19 listen, and I'm told this is the only avenue to get
20 it addressed before the report goes final.
21 MR. KIM W. OLSON: I just feel that the zigzag
22 alignment is a poor choice because of driving will
23 make it harder for drivers to--to stay straight on
24 the road. It could be more of a hazard to
25 driving. In addition, it makes some of the houses

P-8.1

Property impacts are evaluated on a case-by-case basis by UDOT to ensure the safety of residents and businesses along the project corridor.

To determine the roadway width, UDOT used both its own standards and standards from the American Association of State Highway and Transportation Officials (AASHTO). The cities along S.R. 108 have different setback requirements. During the property acquisition process, UDOT right-of-way specialists considered the local city setback requirements when determining the impacts to individual properties.

The City of West Point might require that new developments be set back 40 feet from state roads. However, widening the existing road could take a portion of an existing property through eminent domain and result in a setback of less than 40 feet.

P-9.1

The Minimize 4(f) Impacts Alternative was chosen because it had the fewest number of adverse Section 4(f) uses along with the lowest number of relocations and potential relocations. Please see Exhibit 2.2 3: Primary Advantages and Disadvantages of the Alternatives in the Draft EIS. As stated in Section 2.2.4, Basis for Identifying Preferred Alternative, in the Draft EIS, city officials from all five cities said that the Minimize 4(f) Impacts Alternative met their city's plans and objectives. In addition, this alternative also meets the project's purpose with fewer residential and business relocations and fewer impacts to Section 4(f) properties. Section 4(f) is part of an FHWA regulation that requires a project to avoid the use of eligible or potentially eligible historic properties and recreation and wildlife areas unless there is no feasible and prudent alternative to such use. Even then, all measures must be taken to minimize harm to these properties. Although the Minimize 4(f) Impacts Alternative does widen to both sides of the road, the shift between east and west is subtle enough that the road will not be a winding road, and it will meet all current design standards.



Comments P-8 through P-12 (continued)

Response

Public Hearing Open House 12/5/2007

Page 3

1 that were older that are going to be taken--not be
2 taken when there's brand new houses being taken.
3 And I moved into this house only a couple years
4 ago, and if I knew they were going to widen the
5 road I've have never bought there.

6 But I feel the west alignment is a much
7 better choice even though my house is considered
8 one of the older properties. It's over 50 years
9 old. So I would just as soon get off of that road
10 because I don't want to live on a five-lane
11 highway.

12 So I just feel that the zigzag is a lot
13 worse. Even though it may impact a few more houses
14 I think the other one--the other west alignment
15 would be a much better choice. So that's basically
16 how I feel.

17 MS. SUSAN BOYCE: Just the uncertainty
18 of when are they going to decide or when are they
19 going to do this or when are they going to do
20 that. And it's frustrating because you just don't
21 know.

22 That's all I can think of right now.

23 MR. DENNIS RICHARDSON: Basically, where
24 they're looking at running this road it's going to
25 wind up so close to our house that they'll either

P-10.1

Project schedules are given in estimated timeframes because it is difficult to anticipate the dates for the process of approving environmental documents, acquiring right-of-way, completing the final design of the project, and funding and constructing the project. Many of these activities are contingent on the preceding step being completed in order for the process to move forward. Therefore, it is not possible to give exact dates for project activities.

P-10.1 ►

**Comments P-8 through P-12 (continued)****Response**

Public Hearing Open House 12/5/2007

Page 4

P-11.1 ►

1 wind up buying or I'm going to have semis driving
2 around within 15 feet of my house. The only sense
3 it would make for me is they take the west
4 alignment and then they could buy all the houses
5 down our side of the street, because, otherwise,
6 they're going to have homes that are going to be
7 within 15 feet, you know, of the property line.

P-11.2 ►

8 Code today is 20 feet minimum. So that--that's--you
9 know, what we want is if they take the west
10 alignment it's the best option. That's what we
11 would prefer to have happen.

12 If they go with the other one and they
13 won't buy the property then I want a retaining
14 wall, the noise suppressor type, put up on that
15 side of the property.

16 And I live at 3510 West 5175 South in
17 Roy, Utah.

18 MR. DAVID GREMILLION: My name is David
19 Gremillion. I live on 3515 West 5000 South. I am
20 kind of opposed to the west alignment because the
21 west alignment it's a sure deal that my house would
22 be taken because the alignment goes right by the
23 side of my house, which would give me one foot.

P-12.1 ►

24 I--I prefer the avoidance alignment because there
25 is a possibility that I will be able to stay in my

P-11.1

A step-by-step process must be followed when land is acquired for a roadway project. Property acquisitions, both partial and total, will be made according to federal guidelines and UDOT policies that include fair compensation measures for property owners. UDOT will comply with Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Based on the available funding, property acquisition for the project could begin in late 2009. Once the property acquisition process starts, each property owner will be contacted by a UDOT representative. The type of acquisition (partial or total) and the compensation provided for that property are determined on a case-by-case basis in negotiation with the property owner. Because the final design for the project and detailed property surveys determining the boundaries of UDOT's right-of-way and private properties have not been completed, the actual property acquisitions can't be determined at this time.

P-11.2

Property impacts are evaluated on a case-by-case basis by UDOT to ensure the safety of residents and businesses along the project corridor.

To determine the roadway width, UDOT used both its own standards and standards from the American Association of State Highway and Transportation Officials (AASHTO). The cities along S.R. 108 have different setback requirements. During the property acquisition process, UDOT right-of-way specialists will consider the local city set-back requirements when determining the impacts to individual properties.

The City of Roy might require that new developments be set back 20 feet from state roads. However, widening the existing road could take a portion of an existing property through eminent domain and result in a setback of less than 20 feet.

P-12.1

The UDOT Preferred Alternative for this project is the Minimize 4(f) Impacts Alternative. After the Final EIS is completed, FHWA will issue its Record of Decision in which it will decide which action alternative, if either, can be constructed.



Comments P-8 through P-12 (continued)

Response

Public Hearing Open House 12/5/2007

Page 5

1 house. And I want to stay in my house because
2 I've had my house paid off for the last eight years
3 and right now the property values to replace my
4 house would be twice as much as what I have spent
5 on my house. And so I am really kind of opposed
6 to the west alignment because of that fact, and I
7 would like to stay in my house because I don't want
8 to have to end up with another payment on a new
9 home.

10 And that's all I have to say.

11 (The open house was concluded at 7:00 p.m.)

12 .
13 .
14 .
15 .
16 .
17 .
18 .
19 .
20 .
21 .
22 .
23 .
24 .
25 .

(No responses)




8.5 Agency Comments and Responses

Comment A-1

Response

SR 108 - 14.02.03



State of Utah
JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Office of the Governor
PUBLIC LANDS POLICY COORDINATION

JOHN HARJA
Director

RESOURCE DEVELOPMENT COORDINATING COMMITTEE
Public Lands Section

HDR

REC: JAN 07 2007
PROJ: _____
FILE: _____
DIST: _____

January 3, 2008

Dave Kilmurray, P.E.
Project Manager
HDR Engineering, Inc.
3995 South 700 East
Suite 100
Salt Lake City, Utah 84107-2594

SUBJECT: Draft Environmental Impact Statement and Section 4(f) Evaluation S.R. 108
Project No. 07-8692

Dear Mr. Kilmurray:

The Resource Development Coordinating Committee (RDCC) has reviewed the proposed State Road 108 construction project in Davis and Weber Counties. The Division of Air Quality comments:

If any "non-permitted" rock crushing plants, asphalt plants, or concrete batch plants are located at the site, an Approval Order from the Executive Secretary of the Air Quality Board will be required for operation of the equipment, including all equipment not permitted in Utah. A permit application, known as a Notice of Intent (NOI), should be submitted to the Executive Secretary at the Utah Division of Air Quality at 150 North, 1950 West, Salt Lake City, Utah, 84116 for review according to R307-401: Permit: Notice of Intent and Approval Order, of the Utah Air Quality Rules. The guidelines for preparing a NOI are available on-line at:


<http://www.airquality.utah.gov/Permits/FORMS/NOIGuide8.pdf>.

In addition, the project is subject to R307-205-5, Fugitive Dust, since the project could have a short-term impact on air quality due to the fugitive dust that could be generated during the excavation and construction phases of the project. An Approval Order is not required solely for the control of fugitive dust, but steps need to be taken to minimize fugitive dust, such as watering and/or chemical stabilization, providing vegetative or synthetic cover or windbreaks.

A copy of the rules may be found at:

www.rules.utah.gov/publicat/code/r307/r307.htm

The Committee appreciates the opportunity to review this proposal. Please direct any other written questions regarding this correspondence to the Resource Development Coordinating Committee, Public Lands Section, at the above address, or call the Director, Jonathan G. Jemming, at (801) 537-9023, or Carolyn Wright at (801) 537-9230.

Sincerely,

John Harja
Director

5110 State Office Building, PO Box 141107, Salt Lake City, Utah 84114-1107 • telephone 801-537-9230 • facsimile 801-537-9226 • 801-538-9727

A-1.1

The appropriate Approval Order from the Executive Secretary of the Air Quality Board and a Notice of Intent permit application will be obtained prior to operating construction equipment.

A-1.2

All applicable rules and regulations regarding control of fugitive dust will be addressed prior to excavation and construction associated with the project.

A-1.1 ▶

A-1.2 ▶

**Comment A-2****Response**

A-2.1 ► Mr. Kilmurray,
Pending final verification of the wetland delineation for the S.R. 108 project,
I do not have any comments on the Draft EIS at this time.

Thank you,

John Urbanic
Regulatory Project Manager
U.S. Army Corps of Engineers
533 West 2600 South, Suite 150
Bountiful, UT 84010
Phone: (801) 295-8380 ext. 13
Fax: (801) 295-8842
E-mail: john.e.urbanic@usace.army.mil

A-2.1

Comment noted.




Comment A-3

Response

A-3.1

UDOT will notify the National Geodetic Survey no less than 90 days in advance of any activities that could disturb or destroy geodetic control monuments.

A-3.1 ►

 **UNITED STATES DEPARTMENT OF COMMERCE**
National Oceanic and Atmospheric Administration
NATIONAL OCEANIC SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

December 10, 2007

Mr. Douglas S. Atkin, PE
FHWA Utah Division
2520 West 4700 South, Suit 9A
Salt Lake City, UT 84118

Dear Mr. Atkin,

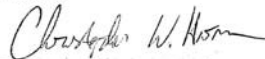
We have provided comments on the DEIS regarding the UT-108 Transportation Improvement Project, To Improve Local & Regional Mobility from UT-108 between UT-127 (Antelope Dr) to UT-126 (1900 W) Located in Syracuse, West Pt & Clinton in Dave Co, & Roy & W Haven in Weber Co, UT.



The DEIS has been reviewed within the areas of the National Oceanic and Atmospheric Administration, National Geodetic Survey's (NGS) geodetic responsibility, expertise, and in terms of the impact of the proposed actions on NGS activities and projects.

If there are any planned activities which will disturb or destroy geodetic control monuments, NGS requires notification not less than 90 days in advance of such activities in order to plan for their relocation. NGS recommends that funding for this project includes the cost of any required relocation(s).

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the homepage of NGS at the following Internet address: <http://www.ngs.noaa.gov>. After entering this website, please access the topic "Products and Services" then "Data Sheet." This menu item will allow you to directly access geodetic control monument information from the NGS database for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.


We hope our comments will assist you. Thank you for giving NGS the opportunity to review your DEIS.

Sincerely,

Christopher W. Harm
Program Analyst
NOAA's National Geodetic Survey
Office of the Director
1315 East-West Highway
SSMC3 8729, NOAA, N/NGS

 Printed on Recycled Paper 

Comment A-4

Response

 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>
JAN - 4 2008

Ref: 8EPR-N

Walter C. Waidelich, Division Administrator
Federal Highway Administration
2520 West 4700 South
Suite 9A
Salt Lake City, UT 84118

John Njord, Executive Director
Utah Department of Transportation
4105 South 2700 West
Salt Lake City, UT 84119

Re: Comments on State Road UT-108
Improvements, Draft Environmental Impact
Statement (DEIS): CEQ# 20070482

Dear Messrs: Waidelich and Njord:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) 42 U.S.C Section 4231 et. seq., and Section 309 of the Clean Air Act 42 U.S.C Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the State Road UT-108 Improvements DEIS. This project is located between West Antelope Drive in Syracuse to 1900 West in West Haven. The proposed project addresses roadway congestion on S. R. 108, eliminates roadway deficiencies associated with lack of shoulders and turn lanes, and enhances the opportunities for multi-modal use by providing improved bicycle, pedestrian, and transit facilities.

Pursuant to EPA policy and guidance, EPA rates the environmental impact of an action and the adequacy of the NEPA analysis. EPA has rated both action alternatives "EC-2" (Environmental Concerns-Insufficient Information). This "EC" rating means that impacts have been identified that should be avoided in order to fully protect the environment. The "2" rating means that additional information or data is needed to fully assess environmental impacts that should be avoided in order to fully protect the environment. An explanation of the rating criteria is enclosed. More specifically, this DEIS should assess the impacts from construction dust and equipment emissions on sensitive receptors such as schools and any nursing homes in the area. The Syracuse High and the Midland Elementary schools are located very close to new construction. If necessary, mitigation measures should be implemented during construction activity that include newer, cleaner-emitting construction equipment, installation of controls

SCANNED
Don 1/9/08

A-4.1

Section 4.20.2.2, Air Quality Construction Impacts, on page 4-157 of the Draft EIS includes a discussion of localized air quality impacts that are likely to result from the project. Because the project would be constructed in several phases over a 6-year period (depending on funding), it is difficult to quantify with any degree of certainty the exact nature of construction emissions. However, the proposed project is not fundamentally different from other roadway widening projects that have taken place in other urban areas throughout Utah over the past several years.

Section 4.20.3.2, Mitigation Measures for Air Quality Impacts due to Construction, on page 4-162 of the Draft EIS notes that preparation and submittal of an Emission Control Plan to the State is required prior to construction. This section also directly addresses several of the measures raised by the comment, including fugitive-dust-control measures, encouraging the use of cleaner construction equipment, street sweeping, rerouting construction traffic away from schools and communities when possible, and evaluating the use of alternative power sources such as electric engines or compressed natural gas.

A-4.1 ▶



Comment A-4 (continued)

Response

on diesel construction equipment, rerouting of truck traffic away from schools and alternative cleaner, engines.

The remainder of our comments focus on air quality and water quality impacts and growth. These comments are attached.

We appreciate the opportunity to participate in this project. If you have any questions or would like to discuss our comments, please contact me (303) 312-6004 or Robin Coursen of my staff (303)312-6695.

Sincerely,

Larry Svolboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

Enclosure

Cc: Greg Punske, FHWA
Ed Woolford, FHWA
David Adamson, UDOT
Betsy Herrmann, U.S. Fish and Wildlife Service
James Mc Millan, U.S. Army Corps of Engineers
Jason Gipson, U.S. Army Corps of Engineers

Happy New Year!



(No responses)



Comment A-4 (continued)

Response

A-4.2 ▶

A-4.3 ▶

A-4.4 ▶

A-4.5 ▶

A-4.6 ▶

A-4.7 ▶

A-4.8 ▶

A-4.9 ▶

A-4.10 ▶

COMMENTS ON S.R.108

Air Quality:

- The Affected Environment Section should reference the most recent Conformity Analysis for Wasatch Front Area. In addition, EPA suggests that the following paragraph be added to this section with regard to ozone conformity:
 - The Wasatch Front Area is currently in attainment of the new 8-hour ozone standard. Salt Lake and Davis Counties have always shown conformity with past state requirements for ozone related emissions. Projections indicate a steady decrease in mobile source ozone related emissions.
- The frequent winter temperature inversions and associated air quality conditions need to be discussed in much more detail in this section on "affected environment." The inversions have a great impact on the air quality, particularly ozone, in this project area.
- The Council on Environmental Quality (CEQ) Regulations (40 CFR 1502.1) states that "an environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions." If Mobile Source Air Toxics (MSATs) are an issue with this project, an air toxics analysis should be conducted to distinguish between alternatives, inform design changes, and target mitigation.
- Pg. 4-69, Section 4.9.5.2 – In order to give a balanced view of MSAT concentrations along S.R.108, EPA suggests adding a sentence after "...corresponding decrease in MSAT emissions along parallel routes." The sentence could say, "However, during congested traffic periods in early morning hours, MSAT concentrations near the highway are expected to be the highest."
- Editorial Comment: Pg. 3-82 Exhibit 3.9-8. Footnote "b". PM₁₀ should be PM_{2.5}.
- Pg. 3-77, Section 3.9.4 Climate - EPA suggests including a figure in this section showing a "Wind Rose" representative of the project area. This information could be valuable for residents living near S.R. 108. With this figure, residents will know what percentage of the time they are downwind from highway emissions.
- Pg. 4-70, last paragraph – "alternatives could move some traffic closer to nearby homes, schools, and businesses..." We recommend including a figure in Section 4.3.2.5 – Public Health and Safety which shows the location of nearby schools such as those in Syracuse.
- The traffic analysis should show the project's impact on average daily traffic, Vehicle Miles Traveled and speeds. The assumed population growth used to project traffic volumes should be identified to assure consistency with the population projection in the State Implementation Plan.

3

A-4.2

The following italicized text was added to Section 3.9.1.3, Conformity Requirements:

"According to Section 176(c) of the Clean Air Act, transportation projects are said to "conform" to the provisions of the Clean Air Act if the project, both alone and in combination with other planned projects, does not:

- Create new violations of the NAAQS,
- Increase the frequency or severity of existing violations of the NAAQS, or
- Delay attainment of the NAAQS.

The most recent conformity analysis for the Wasatch Front was prepared in June 2007 (WFRC 2007). The analysis concluded that the 2030 Regional Transportation Plan conformed to the State Implementation Plan for all pollutants in applicable non-attainment or maintenance areas.

In addition, during the project development phase, a project must satisfy detailed "hot-spot" requirements if it is located in a non-attainment or maintenance area for carbon monoxide (CO) or particulate matter (PM₁₀) and must comply with the control measures in the State Implementation Plan for PM₁₀ and PM_{2.5}."

A-4.3

The proposed project is located in Davis and Weber Counties, but not Salt Lake County. The following italicized text was added to Section 3.9.5, Current Air Quality Status:

"As shown in Exhibit 3.9-2 above, Davis County is classified as a maintenance area for O₃, and Ogden in Weber County is classified as a moderate non-attainment area for PM₁₀ and a maintenance area for CO. With the exception of O₃, the S.R. 108 project corridor meets the NAAQS for all priority pollutants. *The Wasatch Front region is currently in attainment for the new 8-hour ozone standard. Davis and Weber Counties always met past state requirements for ozone-related emissions (that is, pollutants that are precursors to ozone). Projections for the Wasatch Front indicate a steady decrease in ozone-related emissions from mobile sources.*"

**Comment A-4 (continued)****Response**

A-4.11 ▶

Water Quality:

- While improving the runoff controls directly adjacent to the State Route 108 may decrease Total Suspended Solids loadings from the existing condition, it is likely that the water quality will decrease over time as the cumulative impact of creating new impervious surfaces along the project corridor is realized. To reduce the relative proportion of impervious surfaces associated with vehicle travel, efforts could be made to ensure that the connectivity of arterials is maintained or improved. From the provided overhead photos, it is apparent that several roads are disconnected and/or blocked off by individual subdivisions. Continued development in this pattern will cause continued traffic increases on State Route 108 and will increase Vehicle Miles Traveled and the associated environmental impacts.

A-4.12 ▶

Indirect Effects/Quality of Life/Smart Growth

- Page 4-154 of the report indicates that the project will not change the rate of growth or types of developments in the community. We have previously remarked in our scoping comments that new highway construction that improves traffic flow and eliminates congestion can increase access and contribute to induced residential, commercial, industrial growth, and changed land uses. Increased rates of growth and land use changes caused by a highway project constitute indirect effects that should be evaluated. Induced residential, commercial, and industrial growth and land use affect air quality, water quality, wetlands, wildlife habitat loss and fragmentation, urban sprawl and loss of rural character, farm land and other natural resources. Road building and expansion often result in induced growth effects (sprawl) and stimulate increased use of privately owned vehicles and vehicle miles traveled. This, in turn, leads to increased auto dependency and demand for more roads. These types of indirect effects and appropriate mitigation measures need to be evaluated and disclosed in the FEIS (i.e., identify existing condition and trends and forces shaping growth and development in the area; identify land with development potential and most likely locations of growth; identify sensitive environmental resources that may be impacted; estimate growth and impacts with and without project).
- The analysis of indirect effects should not rely solely on compliance with existing comprehensive land use plans. While comprehensive land use plans are an important component of the analysis of indirect effects, compliance with these plans could still result in adverse environmental effects. EPA believes that without this, road growth and land use would develop differently in location, density and type of development.
- The FEIS should identify potential mitigation techniques for induced growth and associated environmental effects, such as:

A-4.13 ▶

- access controls (location of interchanges)
- local land use plans that affect or regulate new development
- zoning controls
- transfer of development rights

A-4.4

The following italicized text was added to Section 3.9.4, Climate:

“Temperature inversions, which are associated with higher air pollution concentrations, occur when warmer air overlies cooler air. During temperature inversions, which typically occur between November and February in the impact analysis area, particulates and CO from stationary and mobile sources can be trapped close to the ground, which can lead to violations of the NAAQS.

The primary pollutants associated with wintertime inversions in Utah are PM₁₀, PM_{2.5}, CO, and sulfur dioxide (SO₂). The Utah Division of Air Quality issues health advisories for sensitive individuals based on the amount of pollutants in the air during an inversion. When a health advisory is issued, those at risk (for example, people with asthma, emphysema, heart disease, or bronchitis) are encouraged to limit outdoor exertion whenever possible. In addition, during inversions people are encouraged to limit their driving, and restrictions can be imposed on burning wood.”

A-4.5

As noted in Section 4.9.1.3, Methodology for Evaluating MSAT Impacts, on page 4-59 of the Draft EIS, MSATs were not quantitatively evaluated because the relatively low traffic volumes on S.R. 108 would not meet FHWA’s threshold of about 140,000 to 150,000 vehicles per day for conducting a quantitative MSAT analysis as discussed in FHWA’s *Interim Guidance on Air Toxic Analysis in NEPA Documents* (FHWA 2006). The average annual daily traffic volumes on S.R. 108 with the proposed project are expected to be about 30,000 to 40,000 vehicles per day. A qualitative MSAT assessment was conducted according to FHWA’s guidelines; see Section 4.9.5.2, MSAT Impacts (Action Alternatives), on page 4-69 of the Draft EIS.



Comment A-4 (continued)

Response

A-4.14 ▶

- growth management regulation (public facilities ordinances, development moratoria, urban growth boundaries, extraterritorial zoning/annexation)
- resource management and preservation regulations
- land acquisition and conservation easements
- incentives for Brownfields/infill development

Greenhouse Gases

- A discussion of greenhouse gases should be included. Recent court cases suggest that EISs, even if they reduce emissions, should address this issue. Where possible, please disclose any energy reduction efforts/technologies or other emission reduction strategies that could be considered for this project.

Pollution Prevention

The Office of the Federal Environmental Executive released a new Executive Order on January 24, 2007, "Strengthening Federal Environmental, Energy, and Transportation Management" (EO 13423) which requires all federal agencies to:

- Reduce energy intensity 30% by 2015
- Reduce Green House Gas Emissions through energy savings by 3% annually or 30% by 2105
- Build Performance: Construct or renovate buildings in accordance with sustainability strategies, including resource conservation, reduction, and use; citing; and indoor environmental quality

http://ofee.gov/eo/eo13423_main.asp

The document should address these requirements as appropriate.

A-4.15 ▶

A-4.6

To the extent that there are appreciable MSAT emissions, they would not necessarily be limited to early-morning hours; they would more likely be associated with peak-hour traffic volumes and corresponding vehicle speeds. The following italicized text was added to Section 4.9.5.2, MSAT Impacts (Action Alternatives):

"The increase in VMT over the No-Action Alternative would lead to higher MSAT emissions along S.R. 108 (*primarily during peak traffic hours in the morning and evening*) along with a corresponding decrease in MSAT emissions along parallel routes. A comparison of regional VMT shows no appreciable differences between the No-Action and action alternatives."

A-4.7

Change made as suggested.

A-4.8

An additional figure is not necessary to characterize winds in the vicinity of the project. A review of windrose data showed that winds are not predominantly from one specific direction, and the analysis showed that the project would not exceed air quality standards at any receptors adjacent to the roadway.

A-4.9

Public facilities (including schools) are identified in the following exhibits: Exhibit 3.3-3 (page 3-31), Exhibit 3.3-4 (page 3-32), and Exhibit 3.3-6 (page 3-36).

**Comment A-4 (continued)****Response****A-4.10**

A traffic impact analysis, *S.R. 108 Traffic Analysis Report* (InterPlan 2007), was prepared for this project that discusses in detail all of the growth assumptions and traffic parameters used in forecasting travel demand for the project. The report is available as part of the project file for the project.

Section 4.9.1.3, Methodology for Evaluating MSAT Impacts, in the Draft EIS explains that the average daily traffic for the project would be between 30,000 and 40,000 vehicles per day. The traffic analysis is based on level of service, which is derived from daily traffic and travel speeds. Level of service is used in the analysis because it is an easier format for the public to understand in terms of how the project would affect local road conditions. The WFRC regional travel demand model was used to project traffic volumes. This model is the same model that is used to develop the emission projections in the State Implementation Plan; therefore, the population and employment numbers used to develop the project volumes were the same as those used in the State Implementation Plan.

A-4.11

Currently, there are no stormwater control measures on S.R. 108. As noted in Section 2.2.2.2, Minimize 4(f) Impacts Alternative (Preferred Alternative), and Section 2.2.2.3, West Alternative, in the Draft EIS, a stormwater drainage system would be constructed as part of the proposed improvements to S.R. 108. This drainage system would consist of several detention basins, grassed swales, or a combination of control features to store stormwater runoff and reduce peak flows. As noted in the analysis, there are no impaired waters or natural water features adjacent to S.R. 108; however, an analysis was conducted to determine if project widening would change the beneficial-use classification of nearby Howard Slough. Based on the analysis, the beneficial-use classification would not change as a result of the project. UDOT expects that, with implementation of the new project control measures, water quality would improve even with a wider road compared to the current unmitigated S.R. 108 roadway.

One of the main project purposes is to reduce roadway congestion on S.R. 108. Adding access points to reduce the distance vehicles travel to S.R. 108 would increase roadway conflicts and roadway congestion. In addition, adding more access points to reduce the distance traveled would require the relocation of more properties and increase the cost of the project. On main arterials such as S.R. 108, UDOT tries to reduce the number of access points to improve mobility and reduce air quality concerns.

(This space is intentionally blank)



Comment A-4 (continued)

Response

(This space is intentionally blank)

A-4.12

The S.R. 108 project would convert an existing two-lane arterial street to a four-travel-lane arterial street; S.R. 108 is not a highway as suggested in the comment. The indirect analysis found that implementing the S.R. 108 improvements could change the timing and type of growth (that is, the improvements could change land uses), but the overall growth rate would be the same with or without the project. As stated in the analysis, this conclusion is based not only on land-use plans but also on meetings held with the local planning representatives.

A reference to Section 4.1.1.1, Impacts to Existing Land Use, is made in the indirect impacts analysis section. As noted in Section 4.1.1.1, the reasons for assuming full area build-out with or without the project are the tremendous growth along S.R. 108 over the past 3 years without the project (for example, two new Wal-Mart stores and the purchase of agricultural land for development) and the anticipated growth rates for the cities (between 18% and 376%) independent of the project. Given the small amount of available land along S.R. 108, the planners believe that the area would develop even without the project, although the types of land use and timing of growth could change (see Section 3.1, Land Use). This change is noted in the indirect impacts analysis, which states that there could be more commercial development to support the residential growth.

It is possible that the greater commercial development could result in more environmental impacts, but there are few available shopping opportunities in this area; therefore, the mixed use of commercial and residential would reduce the need for local residents to travel farther to shop. Chapter 2, Alternatives, notes the cities along S.R. 108 are planning to reduce the amount of vehicle travel by developing a corridor with a mix of residential and commercial uses. When the corridor is completely developed, it will have an even mix of residential uses and different types of commercial uses. Finally, as stated in the analysis, the area around S.R. 108 has been disturbed by either urban growth or agriculture; therefore, the analysis concluded that the project would not result in any indirect impacts to the adjacent environmental resources.

A-4.13

The Utah state legislature has delegated responsibility for land-use planning and regulation to the cities and counties. UDOT and FHWA do not have the authority to require cities to implement land-use mitigation as part of their transportation projects. UDOT continues to work with local municipalities during the planning process to discuss items such as roadway access and how land use affects transportation planning.

**Comment A-4 (continued)****Response**

(This space is intentionally blank)

A-4.14

The original paragraph in Section 3.9.3.2, Greenhouse Gases, was deleted. The following text was added in its place:

“The issue of global climate change is an important national and global concern that is being addressed in several ways by the federal government. The transportation sector is the second-largest source of total greenhouse gases in the United States and the largest source of carbon dioxide (CO₂) emissions, the predominant greenhouse gas. In 2004, the transportation sector was responsible for 31% of all CO₂ emissions produced in the United States. The principal anthropogenic (human-made) source of carbon emissions is the combustion of fossil fuels, which account for about 80% of anthropogenic emissions of carbon worldwide. Almost all (98%) of transportation-related greenhouse gas emissions result from the consumption of petroleum products such as motor gasoline, diesel fuel, jet fuel, and other residual fuels.

Recognizing this concern, FHWA is working with other modal administrations through the U.S. Department of Transportation Center for Climate Change and Environmental Forecasting to develop strategies to reduce transportation’s contribution to greenhouse gases—particularly CO₂ emissions—and to assess the risks to transportation systems and services from climate changes.

In Utah, the Governor’s Blue Ribbon Advisory Council on Climate Change identified measures that the state could take to minimize the impacts of transportation-related greenhouse gas emissions. The recommended measures include reducing vehicle-miles traveled (VMT) through developing and encouraging the use of mass transit, ridesharing, and telecommuting. Other strategies outlined in the report include promoting alternative fuels and hybrid vehicles and vehicle technologies resulting in greater fuel efficiency. In addition, the report encourages an idle-reduction program for school buses and heavy-duty trucks.

The relationship of current and projected Utah highway CO₂ emissions to total global CO₂ emissions is presented in the table below. Utah highway CO₂ emissions are expected to decrease by 6.2% between 2006 and 2030. The UDOT Planning Division predicts that statewide VMT will increase by 58% between 2006 and 2030.”

**Comment A-4 (continued)****Response**

Greenhouse Gas Emissions

Global CO ₂ Emissions, 2006 (MMT) ^a	Utah Highway CO ₂ Emissions, 2006 (MMT)	Projected Utah 2030 Highway CO ₂ Emissions (MMT)	Utah Highway Emissions, Percent of Global Total, 2006 (%)
27,578	16.2	15.2	0.06%

MMT = million metric tons

^a EIA 2007*(This space is intentionally blank)***A-4.15**

The requirements of Executive Order 13423 are not appropriate for this project. The goals of Executive Order 13423 apply to federal agencies (not individual transportation projects) and how they conduct their day-to-day activities to meet the environmental and energy efficiency goals of the Executive Order.

For example, the Executive Order directs the head of each agency by the end of fiscal year 2015 to improve energy efficiency by 30% over baseline energy use in fiscal year 2003. Similarly, for those agencies with at least 20 motor vehicles, the Executive Order requires that each agency reduce the vehicle fleet's total consumption of petroleum products by 2% annually through the end of 2015.

The following documents, which are available on the Office of the Federal Environmental Executive's Web site, have additional information about the objectives and goals of Executive Order 13423:

ofee.gov/eo/EO_13423.pdf

ofee.gov/eo/EO_13423FactSheet.pdf

ofee.gov/eo/eo13423_instructions.pdf



Comment A-5

Response



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



JAN 9 2008

9043.1
PEP/NRM

ER 07/966

Mr. Douglas S. Atkin
Federal Highway Administration
Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, Utah 84118

Dear Mr. Atkin:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement and Section 4(f) Evaluation for **SR-108 Improvements, from SR-127 (Antelope Drive) to SR-126 (1900 West), in Syracuse, West Point and Clinton in Davis County, and Roy and West Haven in Weber County, Utah.** The Department of the Interior (Department) reviewed the document and submits the following comments.

SECTION 6(f) COMMENTS

The Department reviewed this project in relation to any possible conflicts with the Land and Water Conservation Fund (L&WCF) and the Urban Park and Recreation Recovery programs and found that L&WCF project 49-00342, Syracuse Rock Creek Park, may be affected.

The Department recommends direct consultation with the official who administers the L&WCF program in the State of Utah to determine any potential conflicts with Section 6(f)(3) of the L&WCF Act (Public Law 88-578, as amended). This section states:

"No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

A-5.1 ▶

A-5.1

Syracuse Rock Creek Park is currently under construction at 3850 West 700 South in Syracuse. This park is about 2 miles west of S.R. 108, and the proposed widening of S.R. 108 would not affect this park.



Comment A-5 (continued)

Response

A-5.2 ▶

The administrator for the L&WCF program in Utah is Mr. Seth McArthur, Grants Coordinator, Utah Division of Parks and Recreation, 1594 West North Temple, Suite 116, Salt Lake City, Utah 84116. Mr. McArthur's phone number is 801-538-7354.

SECTION 4(f) COMMENTS

Following our review of the Section 4(f) Evaluation, we concur that there is no feasible or prudent alternative to the Preferred Alternative selected in the document, and that all measures have been taken to minimize harm to these resources. We acknowledge that you have consulted with the Utah State Historic Preservation Office, and will be preparing a Memorandum of Agreement to minimize adverse effects to historic properties.

We appreciate the opportunity to review this document.

Sincerely,

Willie R. Taylor
Director, Office of Environmental Policy
and Compliance

cc:
Mr. David Adamson
Utah Department of Transportation
166 West Southwell Street
Ogden, Utah 84404

A-5.2

Comment noted.